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Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Please amend claims 2, 5-6, 9-15, 24, 27-28, 31-37, 46, 50, 53-58, 87, 90-91 and 94-98 so that the pending claims read as follows:

1. (Canceled)

2. (Currently Amended) A system for determining a charge in connection with a data communication session, comprising:

a wireless device capable of communicating <u>data</u> within a network <u>during a data communication session</u>; ~~and~~

a <u>multi-factor</u> data rating ~~application~~ <u>algorithm</u> residing <u>within</u> said ~~the~~ wireless device;

~~wherein the data rating application determines the charge in connection with the data communication session by multiplying a rate by a unit of measure;~~

wherein <u>said</u> ~~the~~ data rating ~~application determines both said rate and said unit of measure by~~ <u>algorithm selects an applicable rate based on one or more of the following factors</u>: the type of data, ~~the usage of the data, the~~ source of the data, ~~the~~ service level selected, <u>and/or</u> ~~the~~ service level achieved ~~and/or the connection method~~;

wherein said <u>selected</u> rate is a quantity of money per unit of measure;

wherein <u>available</u> ~~the~~ units of measure include ~~the~~ quantity of bytes, quantity of data packets and/or ~~the connection~~ <u>other denomination of data quantity</u> involved in <u>a</u> ~~the~~ data communication <u>session</u>; ~~and~~

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wherein a charge is determined within said wireless device by applying said selected rate to a number of units of measure as metered by said wireless device for said data communication session; and

wherein said charge is deducted from an account related to the wireless device.

3. (Previously Presented) The system according to claim 2 wherein the wireless device is a mobile phone.

4. (Canceled)

5. (Currently Amended) The system according to claim 2 wherein said algorithm selects an applicable rate based on only one of the following factors: type of data, source of the data, service level selected, and/or service level achieved the charge includes a flat rate for each connection.

6. (Currently Amended) The system according to claim 2 wherein the data rating algorithm application is configured to deduct from a prepaid account relating to the wireless device.

7. (Previously Presented) The system according to claim 6 wherein the account resides in the wireless device.

8. (Previously Presented) The system according to claim 6 wherein the account resides at a location external to the wireless device.

9. (Currently Amended) The system according to claim 2 wherein the data rating algorithm application is configured to detect one or more of a plurality of events which takes place during the course of setting up the data communication session;

wherein the one or more events is indicative of the type of data, the usage of the data, the source of the data, and/or the service level selected and/or the connection method; and

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wherein the origin of the event is either the network or the wireless device.

10. (Currently Amended) The system according to claim 2 wherein the data rating algorithm ~~application~~ is configured to begin determining the charge in connection with the data communication session after detecting a begin event which takes place during the course of the data communication session; and

wherein the begin event is originated by either the network or the wireless device to indicate that the data communication session has begun.

11. (Currently Amended) The system according to claim 2 wherein the data rating algorithm ~~application~~ is configured to end determining the charge in connection with the data communication session after detecting an end event which takes place during the course of the data communication session; and

wherein the end event is originated by either the network or the wireless device to indicate that the data communication session has ended.

12. (Currently Amended) The system according to claim 2 wherein the data rating algorithm ~~application~~ resides on a smart card which is attachable to the wireless device.

13. (Currently Amended) The system according to claim 2 wherein the wireless device includes a plurality of ~~additional~~ applications residing therein; and wherein the data rating algorithm ~~application~~ is configured to determine the rate ~~and unit of measure~~ based on which one of the plurality of ~~additional~~ applications residing in the wireless device will be using data received by the wireless device during the data communication session.

14. (Currently Amended)   The system according to claim 2 wherein the charge is based on the type of data communicated ~~usage of data received~~ during the data communication session.

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15. (Currently Amended)   The system according to claim 14 wherein the data received during the data communication session is a downloaded application; and

wherein the charge is determined based on ~~occurrence or duration of usage of~~ the number of times the downloaded application is subsequently run and/or the duration of time it is subsequently run.

16. (Previously Presented)   The system according to claim 2 wherein the charge is based on source of data received by the wireless device during the data communication session.

17. (Previously Presented)   The system according to claim 2 wherein the charge is based on service level selected for the data communication session.

18. (Previously Presented)   The system according to claim 17 wherein the service level selected relates to speed and/or accuracy of data transmission during the data communication session.

19. (Previously Presented)   The system according to claim 2 wherein the charge is based on service level achieved during the data communication session.

20 - 23. (Canceled)

24. (Currently Amended) A wireless device for determining a charge in connection with a data communication session, comprising:

a multi-factor data rating algorithm ~~application~~ residing on said wireless device which determines the charge in connection with the data communication session by applying ~~multiplying~~ a rate to a number of ~~by a~~ units of measure as metered by said wireless device;

wherein said ~~the~~ data rating algorithm selects ~~application determines both~~ said rate based on one or more of the following factors: ~~and said unit of measure by the~~ type of data,

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~~the usage of the data, the~~ source of the data, ~~the~~ service level selected, <u>and/or</u> ~~the~~ service level achieved ~~and/or the connection method~~; and

   wherein said <u>selected</u> rate is quantity of money per unit of measure;

   wherein the <u>available</u> units of measure include the quantity of bytes, quantity of data packets and/or <u>other denomination of data quantity</u> ~~the connection~~ involved in <u>said data</u> ~~the~~ communication;

   wherein said charge is deducted from an account related to the wireless device; and

   wherein the wireless device is configured to communicate within a network.

   25. (Previously Presented) The wireless device according to claim 24 wherein the wireless device is a mobile phone.

   26. (Canceled)

   27. (Currently Amended) The wireless device according to claim 24 wherein <u>said algorithm selects an applicable rate based on only one of the following factors: type of data, source of the data, service level selected, and/or service level achieved</u> ~~the charge includes a flat rate for each connection~~.

   28. (Currently Amended) The wireless device according to claim 24 wherein the data rating <u>algorithm</u> ~~application~~ is configured to deduct from a prepaid account relating to the wireless device.

   29. (Previously Presented) The wireless device according to claim 28 wherein the account resides in the wireless device.

   30. (Previously Presented) The wireless device according to claim 28 wherein the account resides at a location external to the wireless device.

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31. (Currently Amended)   The wireless device according to claim 24 wherein the data rating algorithm ~~application~~ is configured to detect one or more of a plurality of events which takes place during the course of setting up the data communication session;

wherein the one or more events is indicative of ~~the~~ type of data, ~~the usage of the data, the~~ source of ~~the~~ data, and/or ~~the~~ service level selected ~~and/or the connection method~~; and

wherein the origin of the event is either the network or the wireless device.

32. (Currently Amended)   The wireless device according to claim 24 wherein the data rating algorithm ~~application~~ is configured to begin determining the charge in connection with the data communication session after detecting a begin event which takes place during the course of the data communication session; and

wherein the begin event is originated by either the network or the wireless device to indicate that the data communication session has begun.

33. (Currently Amended)   The wireless device according to claim 24 wherein the data rating algorithm ~~application~~ is configured to end determining the charge in connection with the data communication session after detecting an end event which takes place during the course of the data communication session; and

wherein the end event is originated by either the network or the wireless device to indicate that the data communication session has ended.

34. (Currently Amended)   The wireless device according to claim 24 wherein the data rating algorithm ~~application~~ resides on a smart card which is attachable to the wireless device.

35. (Currently Amended)   The wireless device according to claim 24 wherein the wireless device includes a plurality of ~~additional~~ applications residing therein; and wherein the data rating algorithm ~~application~~ is configured to determine the rate ~~and unit of measure~~ based

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on which one of the plurality of ~~additional~~ applications residing in the wireless device will be using data received by the wireless device during the data communication session.

36. (Currently Amended) The wireless device according to claim 24 wherein the charge is based on <u>type of data transmitted</u> ~~usage of data received~~ during the data communication session.

37. (Currently Amended) The wireless device according to claim 36 wherein the data received during the data communication session is a downloaded application; and

wherein the charge is determined based on ~~occurrence or duration of usage of~~ the <u>number of times the</u> downloaded application <u>is subsequently run and/or the duration of time it is subsequently run</u>.

38. (Previously Presented)   The wireless device according to claim 24 wherein the charge is based on source of data received by the wireless device during the data communication session.

39. (Previously Presented)   The wireless device according to claim 24 wherein the charge is based on service level selected for the data communication session.

40. (Previously Presented)   The wireless device according to claim 39 wherein the service level selected relates to speed and/or accuracy of data transmission during the data communication session.

41. (Previously Presented)   The wireless device according to claim 24 wherein the charge is based on service level achieved during the data communication session.

42 - 45 (Canceled)

46. (Currently Amended) A smart card configured to cooperate with a wireless device capable of communicating with<u>in</u> a network to determine a charge in connection with a data communication session, comprising:

a ~~multi-factor~~ data rating <u>algorithm</u> ~~application~~ residing on said smart card which determines the charge in connection with the data communication session by <u>applying</u> ~~multiplying~~ a rate <u>to a number of</u> ~~by a~~ unit<u>s</u> of measure <u>as metered by said wireless device</u>;

wherein <u>said</u> ~~the~~ data rating <u>algorithm selects</u> ~~application determines both~~ said rate <u>based on one or more of the following factors:</u> ~~and said unit of measure by the~~ type of data, ~~the usage of the data, the~~ source of the data, ~~the~~ service level selected, ~~the~~ <u>and/or</u> service level achieved ~~and/or the connection method~~;

wherein <u>said selected</u> ~~the~~ rate is a quantity of money per unit of measure;

wherein the <u>available</u> units of measure include the quantity of bytes, quantity of data packets and/or <u>other denomination of data quantity</u> ~~connection~~ involved in <u>said data</u> ~~the~~ communication;

wherein said charge is deducted from an account related to the wireless device or smart card; and

an interface configured to allow the smart card to communicate with the wireless device.

47. (Previously Presented) The smart card according to claim 46 wherein the wireless device is a mobile phone.

48. (Canceled)

49. (Previously Presented) The smart card according to claim 46 wherein <u>said algorithm selects an applicable rate based on only one of the following factors: type of data, source of data, service level selected and/or service level achieved</u> ~~the charge includes a flat rate for each connection~~.

50. (Currently Amended) The smart card according to claim 46 wherein the data rating <u>algorithm</u> ~~application~~ is configured to deduct from a prepaid account relating to the wireless device.

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51. (Previously Presented) The smart card according to claim 50 wherein the account resides in the smart card.

52. (Previously Presented) The smart card according to claim 50 wherein the account resides at a location external to the smart card.

53. (Currently Amended) The smart card according to claim 46 wherein the data rating algorithm ~~application~~ is configured to detect one or more of a plurality of events which takes place during the course of setting up the data communication session;

wherein the one or more events is indicative of the type of data, ~~the usage of the data,~~ the source of the data, and/or the service level selected ~~and/or the connection method~~; and

wherein the origin of the event is either the network or the wireless device.

54. (Currently Amended) The smart card according to claim 46 wherein the data rating algorithm ~~application~~ is configured to begin determining the charge in connection with the data communication session after detecting a begin event which takes place during the course of the data communication session; and

wherein the begin event is originated by either the network or the wireless device to indicate that the data communication session has begun.

55. (Currently Amended) The smart card according to claim 46 wherein the data rating algorithm ~~application~~ is configured to end determining the charge in connection with the data communication session after detecting an end event which takes place during the course of the data communication session; and

wherein the end event is originated by either the network or the wireless device to indicate that the data communication session has ended.

56. (Currently Amended) The smart card according to claim 46 wherein the wireless device and/or the smart cart include a plurality of ~~additional~~ applications residing

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therein; and wherein the data rating <u>algorithm</u> ~~application~~ is configured to determine the rate ~~and unit of measure~~ based on which one of the plurality of ~~additional~~ applications residing in the wireless device and/or the smart card will be using data received by the wireless device during the data communication session.

57. (Currently Amended) The smart card according to claim 46 wherein the charge is based on <u>the type of data transmitted</u> ~~usage of data received~~ during the data communication session.

58. (Currently Amended) The smart card according to claim 57 wherein the data received during the data communication session is a downloaded application; and

wherein the charge is determined based on ~~occurrence or duration of usage of~~ the <u>number of times the</u> downloaded application <u>is subsequently run and/or the duration of time it is subsequently run</u>.

59. (Previously Presented) The smart card according to claim 46 wherein the charge is based on source of data received by the wireless device during the data communication session.

60. (Previously Presented) The smart card according to claim 46 wherein the charge is based on service level selected for the data communication session.

61. (Previously Presented) The smart card according to claim 60 wherein the service level selected relates to speed and/or accuracy of data transmission during the data communication session.

62. (Previously Presented) The smart card according to claim 46 wherein the charge is based on service level achieved during the data communication session.

63 - 86. (Canceled)

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87. (Currently Amended) A method for determining a charge in connection with a data communication session, comprising:

installing a <u>multi-factor</u> data rating <u>algorithm</u> ~~application~~ in a wireless device capable of communicating within a network;

causing the data rating application to determine the charge in connection with the data communication session by <u>applying</u> ~~multiplying~~ a rate <u>to a number of</u> ~~by a~~ unit<u>s</u> of measure <u>as metered by said wireless device</u>;

wherein the data rating <u>algorithm selects</u> ~~application determines both~~ said rate <u>based upon one or more of the following factors:</u> ~~and said unit of measure by the~~ type of data, ~~the usage of the data, the~~ source of the data, ~~the~~ service level selected, <u>and/or</u> ~~the~~ service level achieved ~~and/or the connection method~~;

wherein said <u>selected</u> rate is a quantity of money per unit of measure;

wherein the <u>available</u> units of measure include the quantity of bytes, quantity of data packets and/or <u>other denomination of data quantity</u> ~~connection~~ involved in <u>said data</u> ~~the~~ communication; and

wherein said charge is deducted from an account related to the wireless device.

88. (Previously Presented) The method of claim 87 wherein the wireless device is a mobile phone.

89. (Canceled)

90. (Currently Amended) The method of claim 87 wherein <u>said algorithm selects an applicable rate based on only one of the following factors: type of data, source of data, service level selected and/or service level achieved</u> ~~the charge includes a flat rate for each connection~~.

91. (Currently Amended) The method of claim 87 <u>wherein said charge is</u> ~~further comprising:~~

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~~causing the data rating application to~~ deduct<u>ed</u> from a prepaid account relating to the wireless device.

92. (Previously Presented) The method of claim 91 wherein the account resides in the wireless device.

93. (Previously Presented) The method of claim 91 wherein the account resides at a location external to the wireless device.

94. (Currently Amended) The method of claim 87 further comprising:

prior to causing the data rating <u>algorithm</u> ~~application~~ to determine the charge, causing the data rating <u>algorithm</u> ~~application~~ to detect one or more of a plurality of events which takes place during the course of setting up the data communication session;

wherein the one or more events is indicative of the type of data, ~~the usage of the data, the~~ source of the data, <u>and/or</u> ~~the~~ service level selected ~~and/or the connection method~~; and

wherein the origin of the event is either the network or the wireless device.

95. (Currently Amended) The method of claim 87 further comprising:

causing the data rating <u>algorithm</u> ~~application~~ to begin determining the charge after detecting a begin event which takes place during the course of the data communication session;

wherein the begin event is originated by either the network or the wireless device to indicate that the data communication session has begun.

96. (Currently Amended) The method of claim 87 further comprising:

causing the data rating <u>algorithm</u> ~~application~~ to end determining the charge after detecting an end event which takes place during the course of the data communication session;

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wherein the end event is originated by either the network or the wireless device to indicate that the data communication session has ended.

97. (Currently Amended) The method of claim 87 wherein the data rating algorithm ~~application~~ resides in a smart card which is attachable to the wireless device.

98. (Currently Amended) The method of claim 87, wherein the wireless device includes a plurality of ~~additional~~ applications residing therein, further comprising:

selecting the applicable rates ~~and units of measure~~ based on which one of the plurality of ~~additional~~ applications residing in the wireless device will be using data received by the wireless device during the data communication session.

99. (Previously Presented) The method of claim 87 further comprising:

determining the charge based on type of data transmitted ~~usage of data received~~ during the data communication session.

100. (Previously Presented) The method of claim 99, wherein the data received during the data communication session is a downloaded application, further comprising:

determining the charge based on ~~occurrence or duration of usage of~~ the number of times the downloaded application is subsequently run and/or the duration of time it is subsequently run.

101. (Previously Presented) The method of claim 87 further comprising:

determining the charge based on source of data received by the wireless device during the data communication session.

102. (Previously Presented) The method of claim 87 further comprising:

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determining the charge based on service level selected for the data communication session.

103. (Previously Presented) The method of claim 102 wherein the service level selected relates to speed and/or accuracy of data transmission during the data communication session.

104. (Previously Presented) The method of claim 87 further comprising:

determining the charge based on service level achieved during the data communication session.

105 -128. (Canceled)